

FARMINGTON CITY
PLANNING COMMISSION MEETING
September 7, 2017

STUDY SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, Kent Hinckley, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Heidi Gordon. Commissioner Rebecca Wayment was excused.*

Prior to the beginning of the Study Session, staff and the Planning Commission members took a field trip to discuss agenda items #5 and #6a.

Item #3. Lew Swain – Requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed Swain PUD Subdivision

Eric Anderson said the proposed subdivision is below North Compton Rd. and is across from the Brentwood subdivision. The applicant is proposing a 10-lot PUD. He said the applicant would like to do a PUD in order to obtain the density he would like, as well as include CC&Rs with higher design standards for the custom homes that will be built in the subdivision. The applicant is not planning on an HOA, as there will not be any common area within the subdivision. **Eric Anderson** referred to the applicant's landscape plan, which shows a landscape area on the corner of 1400 N., as well as open space near the tip of the triangle, as shown on the schematic plan in the staff report. He said the open space on the tip will be left natural, and that at some point it will need to be determined who would maintain that open space. He said the City's Parks & Recreation department does not want to maintain it, so it will be important later on, if this is approved, to determine if an adjacent property owner will maintain it or another solution is determined.

Eric Anderson said the proposed density is approximately 10,000 sq. ft. lots, which is consistent with the surrounding subdivisions. He also said that elevations are typically required when a PUD is proposed; however, since the applicant plans to build custom homes, he provided a copy of the proposed CC&Rs, which includes the design standards the applicant will require of the homes. The applicant also provided elevations of a similar subdivision he built, Oakwood Subdivision, to show the quality of the homes. The commissioners expressed concern regarding the lot sizes and the potential of large homes on smaller lots. There was concern that building large homes on smaller lots in this area could make the density feel higher. Staff pointed out similar size lots in the surrounding subdivisions and lots.

David Petersen explained that when the Ordinance was amended to 20,000 sq. ft. lots in 1999, the City did so in hopes they could leverage their zoning powers to obtain something in return for smaller lots. He said 20,000 sq. ft. lots have not traditionally been in place; however, since it is written in the Ordinance, many now think it is the minimum lot size, which was not the City's intention. **Eric Anderson** also mentioned that the applicant is talking with Farmington residents in the Oakwood Subdivision, which he also developed, that would like retire to a smaller home and yard. **Eric Anderson** said he does not feel these homes would have as large of a footprint as other homes within the City given those residents that have already shown interest in purchasing within the proposed subdivision.

Item #4. Joe Kennard – Requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 41 lot Mountain View PUD Subdivision; and a recommendation for a rezone of 11.93 acres of property from AE to R

Eric Anderson said this item is the bigger of the two agenda items because of the proposed Zone Map amendment. He suggested that if the commission cannot come up with a recommendation at this meeting, the commission may want to table the item.

Eric Anderson explained that without the rezone, there is no reason to move forward on the other items at this time. **Bret Gallacher** asked if the commission can approve the rezone and not approve the schematic plan and preliminary PUD master plan. **Eric Anderson** said yes, the preliminary PUD master plan is a legislative act. He said if the rezone is approved, the applicant can come back with vesting power for a conventional subdivision under the R zone. **Alex Leeman** asked what the smallest lot size that can be approved in the AE and R zone. **David Petersen** said 9,000 sq. ft. lots; however, if the applicant were to move forward under the AE zone, he would average approximately 11,000 to 12,000 sq. ft. lots. The applicant would be able to get down to the 4,500 sq. ft. lots he is proposing in the R zone. **Alex Leeman** suggested having appropriate findings on the record if the commission chooses to deny the rezone; he feels simply saying the City does not “do this on the west side” would be considered arbitrary and capricious. **David Petersen** pointed out that there are findings for approving the rezone. He said Station Park, Legacy Highway, the State Street overpass, the City gym and regional park, and more did not exist a decade ago. **Alex Leeman** agreed; he feels this area is less desirable for someone to build a large custom home on a significantly large lot. He said he would rather see this rezone than something like apartments come in, although he recognizes that neither the proposed subdivision nor apartments are permitted. **Kent Hinckley** expressed concern that what is being proposed is between horse property. He feels he would be more inclined to consider it if there was a more defined area of where subdivisions like this end and horse properties begin. **David Petersen** pointed out that similar discussions happened with the approval of Kestrel Bay. The surrounding property owners were more inclined to what was proposed because apartments were allowed within the zone; however, the City has received positive feedback from the surrounding community about the high quality of families the development has brought in.

REGULAR SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, Kent Hinckley, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Heidi Gordon. Commissioner Rebecca Wayment was excused.*

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the August 17, 2017 Planning Commission meeting. **Alex Leeman** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the September 5, 2017 City Council meeting. He said Fred Bruning, the president and owner of CenterCal talked about the future of Station Park. He mentioned multiple things that were thought provoking for the City Council and staff. Mr. Bruning said he has been

in the business for over 40 years and has seen many things come and go. He said he cannot see the “brick and mortar” stores going away due to internet sales. He sees the footprints of stores getting smaller; however, most people will only be in front of the computer screen until they want something in addition to it.

SUBDIVISION / PRELIMINARY PUD MASTER PLAN

Item #3. Lew Swain (Public Hearing) – Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed Swain PUD Subdivision consisting of 10 lots on 3.45 acres of property located at approximately 400 West and 1400 North in an LR-F (Large Residential Foothill) zone. (S-9-17)

Eric Anderson showed a vicinity map where the property is located. The applicant is proposing to do a 10-lot subdivision with a parcel of open space. The 10 lots are approximately 10,000 sq. ft. and above. He is proposing a PUD to obtain the density he would like, but also to include CC&Rs, which would include higher design standards than is normally required under a conventional subdivision. Although it is typical for elevations to be provided for a PUD master plan, however, because the subdivision will be comprised of custom and unique homes, the City asked the applicant instead to provide the proposed CC&Rs, which will dictate the overall quality, size and design. He reviewed the landscape design. He said there will be a small entry feature with landscaping and a conservation open space parcel, that will have a deed restriction over it. **Eric Anderson** said the average lot size of the subdivision would be 12,500 sq. ft., which is about 2.9 units per acre. He said that is similar to the surrounding developments. He also said since the proposed subdivision is located in the Foothill Overlay Zone, there are additional requirements that must be met, as found in Chapter 30 of the Ordinance. He said these requirements are usually met at preliminary and final plat, so a condition stating that those requirements must be met is included in the proposed motion.

Lew Swain, 1688 N. Canyon Circle, said he is available for any questions.

Kent Hinckley asked who will maintain the landscaping at the entrance of the subdivision and the conservation open space parcel in order to keep it from turning into a weed patch. **Lew Swain** said that his home is adjacent to the common space triangle, so he will retain ownership of the open space parcel and maintain it or the owner on Lot 10. He said in the 32 years he has been living there, he has never done anything to maintain it, and it still looks fine. He said he will build the 2 stone wall entry features, then transfer the deed of the walls to the two adjacent lots. Those property owners will know they are to weed those areas. He said there will not be any “common spaces” that would need to be dictated by an HOA.

Heather Barnum opened the public hearing at 7:10 p.m.

Heather Barnum entered a letter from resident Nancy Roberts into the record.

Heather Barnum closed the public hearing at 7:15 p.m.

Alex Leeman said his concern was for the open space parcel becoming a weed patch; however, it seems that it will be addressed later in the process. **Heather Barnum** feels that additional assurances may be needed; she expressed concern that while Mr. Swain may maintain it, a future property owner to his property may not. She feels adding the open space parcel to Lot 10 may be the best solution. **Eric Anderson** said that if the applicant does move forward with that decision, he recommended the applicant still move forward with the deed restriction on the open space parcel to ensure it remains

open space in perpetuity. He said it will also help ensure the subdivision meets its open space requirement. **Eric Anderson** said the open space requirement for a PUD is 15% if the open space is unimproved, such as the case in this subdivision; however, in a PUD of this size, the open space is small and relatively unusable. **Heather Barnum** asked if the applicant could seek a waiver for the open space. **Eric Anderson** said yes; however, he feels this open space parcel is a good piece of conservation property with the trees that are located on it, and that the applicant has provided some open space, so he will need a partial waiver of open space, and he has already begun negotiations with the City Manager, should the PUD and waiver be approved by City Council. He again recommended that a deed restriction still be placed on the property if the open space parcel is added to Lot 10.

Heather Barnum pointed out that approval of the waiver is included in the proposed motion. She asked if the open space parcel could be further discussed later in the process. **Eric Anderson** said it is up to the Commission; however, schematic plan is typically conceptual to set the lot count and roadways. **Alex Leeman** said he would prefer to discuss the open space parcel later in the process.

Motion:

Alex Leeman made a motion that the Planning Commission recommend that the City Council approve the schematic plan and preliminary PUD master plan for the Swain PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
2. The applicant shall meet all the standards and requirements as set forth in Section 11-30-050 of the Zoning Ordinance;
3. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat;
4. The future of the remaining open space shall be better defined at preliminary plat;
5. The applicant shall obtain a partial waiver of the open space requirements through a vote of not less than four (4) City Council members.

Kent Hinckley seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an LR (PUD) zone.
2. The proposed development is an in-fill project and allows the property owner the highest and best use of his property.
3. The HOA is intended to maintain both the common areas and the private yards of the residents.
4. The proposed plans are consistent with the General Plan.
5. The proposed densities and lot sizes are consistent with the surrounding neighborhoods.
6. The attached landscape plan is of a high design quality and meets the standards set forth in Section 11-27-070.
7. Because the homes that are being built within the subdivision are custom, the applicant did not provide elevations; however, the applicant did provide CC&Rs that have design standards for each home within the PUD, which meets the intent of Chapter 27 of the Zoning Ordinance. Additionally, the applicant provided photos of custom homes in a previous project he developed that also had CC&R design standards.
8. The foothill overlay zone requirements, as set forth in Chapter 30 of the Zoning Ordinance, will be met at either preliminary or final plat, as is customary in these zones.

SUBDIVISION / PRELIMINARY PUD MASTER PLAN / REZONE

Item #4. Joe Kennard (Public Hearing) – Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 41 lot Mountain View PUD Subdivision on 11.93 acres of property located at approximately 650 West and 250 South, and a rezone from AE (Agriculture Estates) to an R (Residential) zone related thereto. (S-12-17 and Z-2-17)

Eric Anderson showed the vicinity map of the area, pointing out the charter school, City gym, and the future high school. The applicant is seeking a rezone of the property, as well as a General Plan amendment in order to seek approval of schematic plan and preliminary PUD master plan for the property. The applicant is proposing 41 lots on 11.93 acres. **Eric Anderson** said in order for the applicant to achieve this density, he needs a rezone of the property from AE (Agricultural Estates) to R (Residential), and a General Plan amendment from AG (Agriculture Preservation Very Low Density) and RRD (Rural Residential Density) to LDR (Low Density Residential) designation.

Eric Anderson said the property was previously purchased by UDOT as part of the Legacy Highway; however, UDOT has sold it as surplus property to the applicant. The applicant is proposing two roads to 650 W., with the potential of another road in the future, which will be stubbed for now. **Eric Anderson** said the proposed project shows improved open space with a trail connection to the Legacy Trail, as well as improved open space along both roads. He also said a partial waiver would be included because the project does not meet the full open space requirements. **David Petersen** pointed out that waivers are very costly for developers.

Eric Anderson said the rezone is an integral part of this project's approval because without it, the schematic plan and preliminary PUD master plan cannot move forward. He said he recognizes what is being proposed is a major policy shift since the City has never approved single-family residential zones west of I-15. He said he recognizes the world is changing on the west side of the City, and what was agricultural land is now becoming more single-family residential. He said what is being proposed could provide a good buffer from Station Park and the higher intensity uses located there with the lower density single-family homes to the south and west.

Eric Anderson said that two suggested motions were included in the staff report, one for the rezone and another for the schematic plan and preliminary PUD master plan; however, the rezone is the more important of the two issues. He said staff included the recommended motions for approval, but that if the commission is uncomfortable making a policy shift by rezoning the property at this time, the commission can recommend denial on the terms that the proposed project is not consistent with the General Plan.

Steve Lovell, 9080 S. 300 W. Ste 200, Sandy, said he is the attorney/counselor for the applicant Forza Terra, LLC. He said his client, Forza Terra, is made up of three main partners, Joe Kennard, Shane Smoot, and Randy Rigby. He said Mr. Smoot and Mr. Rigby are currently out of the country and unable to attend; however, Mr. Kennard is in attendance at the meeting. He said the applicant has made significant efforts to ensure the project is thought out and well planned. All of the surrounding neighbors have been engaged to discuss what the plans for the development would be, and how best to meet the surrounding neighbors' needs. In talking with the neighbors, there was an immediate concern about multi-family housing because of Station Park and the multi-family housing surrounding it. He said although multi-family housing is attractive, the applicant made the decision upfront to go with what made sense for the residents and the surrounding community, which is single-family residential. **Steve Lovell** said they have partnered with Brighton Homes and have been working with a great engineer to

put together the plan. He said they are proposing the R zone to allow for higher density than what is currently allowed under the current zone. He said often times that can be mistaken for multi-family or lesser quality homes; however, he assured the commission the homes would be high quality homes. Staff was unable to pull up on the computer the color renderings he brought, but he said he would provide those later to the commission.

Steve Lovell said they feel the 55+ community is under-served in the area, so their desire is to focus on this demographic, which wants fewer steps and smaller lots. He said the average home price for the project would be \$400,000 or more. He said some homes may have a second story, but they do not have any plans for basements. He said they have worked hard to accommodate the surrounding neighbors' needs since they understand any new development will have its impacts. **Steve Lovell** said this property is situated behind a row of homes on 650 W. and 250 S. They purchased lots on 650 W. to gain access to the road. He said they had plans to do the same on 250 S.; however, there were concerns by Mrs. Homer about traffic entering their street, so they did not continue to pursue purchasing that property. There was also concern by the Whitaker family, so they have tried to create a sufficient buffer to the Whitaker property by placing open space adjacent to it, as well as open space along the access drive. **Steve Lovell** said when they acquired the land, there was an "E" on a rectangular piece of property. He found out at closing the "E" was for UDOT's designated easement. UDOT still allowed the property to be purchased; however, that property will be applied toward the open space requirement. He also said there was a triangular piece of property on 250 S. that was not previously available for purchase. They were told the property was going to be purchased by Farmington City for a trailhead; however, UDOT has since come back and offered to purchase that property. **Steve Lovell** said the property is located on the north end of the Whitaker property. The Whitakers are having problems with people using their private lane for access to the trail. He said if they acquire the land, they plan to improve the property as a nice trailhead for the Legacy Trail.

Steve Lovell said although it is technically true that there has not been a change in zoning designation on the west side, the governing bodies have approved Station Park, among other things, which is not shown in the General Plan and could have been considered a huge policy shift. He said beyond that, many subdivisions built in the AE zone have some type of PUD attached. He does not feel this is a policy shift from density, as there are other subdivisions in the west side that have higher density than what is being proposed. He said in reviewing the City's Master Plan, it stood out to him the City's desire for transitional uses from the heavy commercial uses to the agricultural uses. He said he feels this provides a good buffer, it is against the freeway, and is tucked behind other homes to minimize impact. He said they have worked closely with surrounding neighbors, so they can accommodate their needs and make it a good project for everyone.

Alex Leeman said in reviewing the schematic plan, as found in the staff report, he noticed Parcels A, B, and D are designated as open space. He pointed out that Parcels B and D are located along the road; he asked if the applicant plans to leave those parcels as permanent open space. **Steve Lovell** said unless the commission has a different proposed use, they plan to keep the open space permanently. **Alex Leeman** said he has concerns about the long-term growth of the area if those parcels remain permanent open space. He said he feels the long-term plan for the area would be that development would continue to fill in; however, the designated open space along the two proposed roads off of 650 W. has the potential to block access to those roads for property owners that may want to develop in the future. **Steve Lovell** said if his understanding of the Ordinance is correct, open space is established by dedication or easement, and it will remain so unless it is petitioned to change. He said there is no way for them to know the future intentions of surrounding property owners. **Alex Leeman** said yes, Mr. Lovell is understanding the Ordinance correctly, and what they are proposing does serve the purpose of meeting their open space requirements. He said he recognizes they are discussing the

potential rezone of the property, but he wanted to point his concern regarding the schematic plan to the commission.

Heather Barnum clarified that the commission is reviewing the rezone of the property, as well as the schematic plan and preliminary PUD master plan. She said if there are any concerns with schematic plan, then now is the time to address those concerns. **Alex Leeman** again stated his concern regarding the future development of the surrounding area, and how what is being proposed in the schematic plan may affect it. He said he recognizes it is hard to plan for future developments because whole areas cannot be bought up and built out at one time; however, he feels it is the Commission's responsibility to look at the overall plan and how it fits into the surrounding area. He said he likes that there are two access roads to 650 W. that the developer would fully improve. He feels this could be beneficial to future property owners in the event they would like to develop their property; those property owners would not have to incur the cost of building the road. He said if the open space is dedicated along those roads, it would prevent future utilization of the road, which could be problematic for the continuity of the area. **Steve Lovell** said future property owners could petition to amend the open space down the road. He also asked Mr. Leeman's suggestions on if he would rather see the space left as undedicated. **Alex Leeman** said as a commissioner, he does not come up with the solutions, but he is there to look at the overall development and how it fits into the surrounding area. He said he is not sure what he would do differently at this point; however, he feels if the open space has the potential to be eliminated in the future, the commission needs to weigh in if the proposed open space is still a good trade-off for the increased density knowing the open space could later go away.

Heather Barnum opened the public hearing at 7:44 p.m.

Joseph Kennard, 395 E. State St., said that he has lived in Farmington most his life. He said he purchased 2 acres of the 11.93 acres of property proposed for the project prior to knowing about the charter school, the City regional park and gym, the future high school, apartments near-by, and more. He said Station Park was in the process of being developed when he purchased his property. He said he feels that since he purchased his property, the area has drastically changed. He said in the last year or so, he has had multiple developers approach him with ideas they have for his property, as well as other properties along the street. He said most of the developers presented ideas for high-density housing, and a few proposed commercial developments. He said he felt good about the proposal from Forza Terra because he liked the idea for residential development. He said he feels this property is a better fit for single-family residential development rather than high-density housing like apartments, condos, townhomes, or commercial development. He said he appreciated Randy Rigby and Shane Smoot allowing him to become a minority partner in the project. He feels this development will be a quality asset to the community and will bring quality people to the neighborhood. He asked for the Commission's support in approving it.

Brad Carter, 7245 Dorset Cir., Cottonwood Heights, said he is a business partner with Shane Smoot. He provided pictures of similar homes to what is being proposed to the Commission for their review. He said he feels Steve Lovell appropriately articulated the positives of the project. He said the negotiations were very challenging with UDOT, and there have been many hours spent coming up with a nice design for such an irregular shaped piece of property. He said there are many beautiful homes that have been built in west Farmington on varied size of lots, including smaller lots of 4,500 sq. ft. like what they are proposing. He feels what is being proposed will be just as beautiful.

Todd Gibbs, 595 W., 350 S., said he lives off of 650 W., and he is concerned about the impact 41 new homes will have on the traffic and quality of life for those that live on 650 W. or use it daily. He expressed frustration that the City has not yet seen the full traffic impact of the regional park or future high school. He feels frustrated that the City may just be ignoring all impacts by approving the addition

of 41 new homes without waiting to see the future traffic impacts of all that is coming in. He said he originally moved out to west Farmington because of the spacing of homes, low density and the country feel; he feels that it is slowly being taken away. He is upset that the last of the farmland may be taken away from Farmington. He feels if the property is zoned for larger lots, then the applicant should build larger lots. He does not feel it is right to rezone the property in order to fit a bunch of smaller lot homes. He also expressed frustration that so much of the area has been “ruined” by the recent developments of the charter school, future high school, the City park and gym and more. He said he does not understand the City’s responsibility for approval of these things, or if there is a legal obligation the City has to have to approve these projects. He feels if this property is not zoned for what the developer wants to do, then the City should not approve rezoning it.

Taylor Spendlove, 2113 E. 1200 N., Layton, said he is with Brighton Homes, and he wanted to discuss what types of homes would be located in the development, if it is approved. He said the homes Brighton would like to build are similar to what Brighton Homes built in Kestrel Bay Estates off of the Frontage Road; however, the lot sizes being proposed are bigger. He said the lot widths proposed are wider to allow for a third-car garage on most of the homes. He said the homes would be approximately 2,000 sq. ft. slab on grade with the potential of a second story to add additional square footage to the home. He said their target audience is the 55+ residents since they will be offering slab on grade homes on smaller lots in a maintenance free community. He said they like the idea of a more diverse community, which is why they would offer the second story option, which many younger families want. He said the Kestrel Bay homes are in the \$400,000+ range; however, the feedback they have received from younger families as well as the 55+ community is the third-car garage offers the additional storage they need. He feels these homes will be comparable in pricing, or more, since the proposed homes will be on a larger lot with the third-car garage. He said Brighton Homes has been around since 2010, and have been building in Davis County since then. He said they are not known for production homes, but offer nice quality semi-custom homes.

Taunalee Homer, 586 W. 250 S., showed the commission the location of her property, which is right next to the development so she would be highly impacted by it. She said the developer has been great to work with them and their needs. She said she feels the piece of property the applicant purchased from UDOT has been destroyed for agricultural purposes with large cement slabs, garbage, and more. For a while, some of the property owners thought the City would purchase the property for a City Park; however, there was no access to the property. She said she would prefer the property to stay in the AE zone. She said she has animals, including horses, and the homes built on the property would be directly impacted by her horses. She expressed concern that the future property owners would have complaints about her animals. She said she moved to Farmington in 1977, and has plans to stay there indefinitely. She said she is not against development, but is frustrated UDOT purchased the property being discussed, ruined the property, sold it back making a significant amount of money, and then hurt the surrounding property owners in the process. She said a lot of the property owners discussed working together to buy the property back; however, UDOT made the property so expensive, no one could follow through on it. She asked that the Planning Commission consider a new trail that could hook up to the Legacy Trail, which would provide an additional buffer for her property. She also suggested a high quality fence between her property and the new development. She also appreciated the open space that is being proposed by the developer. She said she feels a few small changes, as she mentioned, could be adjusted in the plans to help residents like herself that want to continue living in the area.

Rulon Homer, 586 W. 250 S., said he moved into his home in 1977 when there was very little located in west Farmington. He said he feels he has protested most things that have come into the area, and has failed in stopping the growth since there is now a shopping mall, a jail, a charter school, and so much more. He said he feels strongly that people have the right to develop their property as they

choose. He feels this almost 12 acres will be developed into something, and he would rather see it developed into single-family residential than some kind of multi-family housing or commercial use. He said he feels Farmington is a wonderful place to live, and that if this property is going to turn into something other than a home for the raccoons, rats, and fox, he would like to see it developed into single-family houses.

Eric Oldroyd, 558 W. 350 S. said he feels this project is like fitting a “square peg in a round hole” since there has to be a change in policy and rezone to the property. He expressed frustration that there seems to be “names” in the community that have some kind of pull that a general citizen may not have, and if feels unfair. He expressed frustration that the only thing really said by the attorney and builder is that the homes will be beautiful. He said he is not opposed to beautiful homes, but feels 41 of them on this property is excessive. He does not think this many homes on small lots provides a buffer. He asked if some of the community “names” are receiving preferential treatment in the process. **Alex Leeman** said no, they are not receiving preferential treatment. **Eric Oldroyd** said he is not against development on this property; however, he would prefer to leave the zone as it is, not make a policy change for smaller lots, and let the developer solve the development problem with the property’s current zoning.

Kelly Maxfield, 89 Morning Mist Ln, Kaysville, said he recently resided at 121 S. 650 W. in Farmington for many years. He said he is at this meeting in support of this project. He said as the charter school, gym, City park, and more have come in, he has had many discussions over the years with staff regarding each of these. He said he is usually on the side of opposing the projects. He said when he moved to Farmington 21 years ago, where he lived was part of County property. He said once the property moved into the City of Farmington, population and growth took place, much to the dissatisfaction of those living in the area. He said he feels they have had to learn how to handle the growth. He feels it is important to make sure there is segregation within the City so residents that want to be part of the agriculture lifestyle can remain part of the community they love. He said when he was selling his home in Farmington, it was on the market for over a year while a lot of surrounding development was taking place. He said he was approached by many developers that wanted to build multi-family housing on his property. He feels multi-family housing is one of the worst things that could happen in this area, including the impact it would have on traffic patterns. He feels decisions regarding traffic patterns and impacts were already made when Station Park, the charter school, the City gym and park, and future high school were approved. He feels 650 W. is not big enough to handle the traffic, but he does not feel 41 homes will make much of a difference in the traffic impact already there. He said he is in full support of this project moving forward. He also said in full disclosure, he has sold his property to the applicant because he feels what is being proposed was one of the few options he felt he had in order to maintain his and the surrounding neighbors’ property values in the midst of all the developers that want to build multi-family housing. He urged the City to consider ways to segregate the agricultural minded residents in order for those residents to enjoy their agricultural lifestyle.

Lloyd Carr, 101 S. 650 W., said he purchased his acre of property many years ago to keep his horses there so his children could enjoy and have access to a rural community throughout their life. He said west Farmington used to be county property, but that the whole scheme of how the property should be develop has changed since the City of Farmington took the property over. He said how the property has been developed does not fit with what he originally hoped to do with his property, as he wanted to maintain his property as horse property and build a home there. He said he no longer has kids at home or horses on his property; he leases his property for other purposes. He said he was impressed that the developer came to discuss how the development would impact his property and what they can do to mitigate concerns. He said he agrees with Mr. Maxfield in that all the neighbors are very concerned about high density, high-rise type developments that they are seeing to the north and west of them. He wants to ensure that does not happen here. He said the developer has approached him to purchase his property; however, they have not decided to sell at this point. He feels if the

developer will build quality homes, and position them well, the development would be a good asset to the community and will not negatively impact the neighborhood or the value of the surrounding homes. He asked about the side setbacks on the homes in the development. He said homes that were built on property he sold in Centerville had very small side setbacks. He feels the developer is sensitive to the neighbors' concerns, so he feels they will plan something that is pleasing to the neighbors, but will also be economically feasible for them. He also asked the Planning Commission to look at the traffic impact, and to decide how to mitigate potential concerns that could arise regarding the rural and agricultural nature of the property instead of waiting for people to complain about sights and sounds.

Paulette Hewitt, 541 W. 250 S., said she lives across from the Homers' property. She said she likes the idea of beautiful homes, but she would suggest that the lots remain ½ acre. She said the developer would not have to worry about open space concerns if they stuck to ½-acre lots. She said she used to work for the Davis County Assessor's office, and was a land appraiser for them. She said when developers built their projects, it was her responsibility to value their lots. She said she started to see developers include "protection strips" of open space, which were strips of land placed behind homes or along roads, so that when surrounding property wanted to develop, the existing subdivision was landlocked by the developer. She notices a few "protection strips" in the presented schematic plan for this project, and wondered why the strips were included. She said she has lived in Farmington for 23 years, and loves it, but recognizes that it is changing. She feels developing this property may help with the multiple problems they are having with raccoons. She would like single-family homes to be built on the property, but asked for ½ acre lots and a fence be built between the development and the existing property owners.

Heather Barnum entered a letter received from resident Jim Checketts into the record.

Heather Barnum closed the public hearing at 8:18 p.m.

Bret Gallacher said he saw the pictures of the home provided; he feels the homes are very beautiful. He asked staff what the side setbacks would be if the property would be rezoned to R. **Alex Leeman** pointed out that if the applicant's PUD was approved, they can have whatever setbacks they would like. **Eric Anderson** agreed, the PUD allows for flexibility with setbacks. **David Petersen** said in the R zone, the homes' side setbacks have to add up to a minimum of 18'; he said if one side had 8', the other side setback would have to be a minimum of 10'. He mentioned that there are two decisions before the commission at this time. He said the first decision is if they want to rezone the property to R, and if so, the other decision is if they want to approve an overlay over the zone that would consist of its own setbacks and criteria. He said once the Commission determines their decision on the rezone, then they can then consider the PUD masterplan and the setbacks that come with it.

Bret Gallacher asked if the lot sizes proposed are similar to the Ovation Homes project near his home. **David Petersen** said yes, the lot sizes would be similar to that project. **Bret Gallacher** said the Ovation Homes project consists of beautiful homes purchased by the 55+ community. He said those residents live in his neighborhood and are part of his church community. He agreed that the 55+ community does not want big lots, large homes, basements, and yards with maintenance. He said the Ovation Homes project has been very successful in his neighborhood.

Alex Leeman said he is working backwards on reviewing this project in that he is looking at the schematic plan first and deciding if it is a good fit, then considering the rezone of the property. He said he does not like the open space parcels. He feels the dedication of open space will be a nuisance in the future or could mess up the continuity of the area. He said he feels the City would eventually lose the open space or there will be strange home-less roads. He said he does not feel the schematic plan and preliminary PUD master plan work for him. He feels if the applicant needs open space to obtain the

density they would like, he feels they need to reconsider the open space to something different besides random open space along the road because that would be useless open space.

Alex Leeman said he would prefer to see a different plan with the layout of open space in other locations before he considers the density or he would like to see a plan that is less dense. He feels this whole area where the proposed project is located is calling for a comprehensive new look different than what the General Plan states. He said the General Plan calls for this area to be very low density and agricultural uses; however, the way it has grown above and beyond that, he feels the General Plan no longer fits for the area. He said he does not think this area should be high-density or multi-family housing, but he does feel it should be higher density than the ½ to 1 acre lots that are designated in the General Plan. He said at this time he hesitates to recommend a zone change to amend anything different from the General Plan, but feels the entire General Plan does need to be reviewed for this area. **David Petersen** suggested that a “sub-area master plan” be considered for the area so the Planning Commission could look at the area as a whole.

David Petersen asked if **Alex Leeman** was more concerned about the configuration of open space than the density, and if he is in favor of single-family homes. **Alex Leeman** said yes, that is correct. He said when the Memmotts came before the commission seeking approval for a 4-plex row of townhomes adjacent to the south of the City gym, he felt it made sense, but was uncomfortable approving something like that on a single lot. He said he feels similarly with this project. He said the density does not bother him that much, although he does feel 4,500 sq. ft. lots is too tight and would prefer to see something closer to 8,000 sq. ft. He said he does not think ½-acre lots will be what is called for in the continuity of the area. He also said again that he does not feel the open space is in an appropriate place in the proposed schematic plan.

Kent Hinckley said that several members of the public mentioned that an alternative to what is proposed is commercial or multi-family housing. He clarified that as long as the property remains its current zone, commercial or multi-family housing is not an alternative. He said he recognizes that a common theme in the public comment was that the density is too much, but that the public is comfortable with the property being developed as single-family homes. He agreed that these lots seem very small compared to the very large lots surrounding them with only a potential fence separating the lots. He said he agreed that the location of the open space does not seem right. He feels that open space should serve a purpose; he does not feel what is proposed serves a positive purpose. He said he would like to see the property developed into single-family homes, but feels what is proposed is too dense, and he does not like the layout of open space.

Connie Deianni said she agrees; she feels the schematic plan is too tight and too dense. She expressed concern about the traffic impact this development will have in addition to all that is already happening on 650 W. She agreed that she did not like the proposed locations for the open space. She asked if there was a possibility for open space within the development and if the lots could be made larger. **Heather Barnum** said she feels it is the commission’s responsibility to approve or not approve the item, and then leave it up to the developer to determine what changes need to be prior to returning to the commission.

Connie Deianni asked for clarification on the “protection strips” mentioned by Ms. Hewitt. **Eric Anderson** said “protection strips” are when the developer leaves land between the road and the property. He said developers might even leave strips of land on the back portions of their property. He said the “protection strips” provide protection from other properties accessing the road. **Alex Leeman** said the “protection strips” can serve as a way to land-lock a subdivision. **Heather Barnum** pointed out that is the concern with the proposed open space because the open space then results in other properties not being able to access the road. **Alex Leeman** said he recognizes that property owners do

not want to sell at this point; however, he feels if the open space is approved as is, the property owners could never access the road if they wanted to.

Heather Barnum briefly summarized the comments and discussion by the public and the commissioners. She said everyone seemed to agree that single-family residential is a good idea for this property, but the commissioners are not ready to make the second motion for the schematic plan and preliminary PUD master plan. She said if the commission is not comfortable making the second motion, she does not see a reason to make a change in the zone at this point. She said she feels they are separate motions, but the motions go hand-in-hand. **Bret Gallacher** agreed, he feels there should be a plan that the commission is comfortable with prior to rezoning the property. **Heather Barnum** also said she feels the density is too high.

The commissioners and staff discussed the different possibilities about how to go about making the motion. The commissioners did not feel comfortable making a motion for the rezone until they are comfortable with the schematic and PUD plans. **David Petersen** suggested creating a subcommittee of a few planning commission members, staff, and the developer to help work through some of the concerns. The commissioners were concerned that the involved planning commission members may feel more invested in the project; it was decided it is best for all the commissioners to be presented with the developer's plan at the same time. The commissioners appreciated how much the developer has worked with the surrounding neighbors, and feels they will continue to do so to ensure they meet the neighbors' needs. It was suggested that the motion be tabled, and deny the second motion. **David Petersen** pointed out that there is no second motion if the first motion is tabled since the second motion can only be possible if a rezone is granted. The commissioners would like to hold another public hearing to provide feedback on any changes the developer will make to the schematic and PUD plans.

Eric Anderson suggested asking the developer if the item is tabled, if they are open to coming back with changes to their plan. He said he feels right now the Commission is operating on the assumption that the developer will make changes to their schematic plan.

Heather Barnum asked the applicant if they were willing to present a different plan given the concerns that have been raised during the meeting. **Steve Lovell** said that one concern he heard was with regards to the placement of the open space. He said something to consider is that they could place some type of easement agreement that the open space be released in the future. He said they can also look into other options of consolidating the open space. He said they are willing to work around the open space in a legal agreement or design. He said that there was a comment made regarding a policy shift from the AE zone to R in the General Plan. He wanted to point out that a PUD can be put on any zone, and the same thing can be done, so it is not actually a big policy shift. He said someone mentioned that they were opposed to the density change when the 1-acre lots were approved down to ½-acre lots; he feels there will always be opposition to changes in density. He said he is not a traffic engineer, but based on the information he knows, a single-family home generates approximately 8 trips per house per day. He said that equates to approximately one car every two minutes; he does not feel this will add significant traffic to 650 W. He said they are also happy to consider some kind of fence or other accommodations to help separate the project from the surrounding property owners. **Heather Barnum** again asked the applicant if they would be willing to resubmit a different plan. **Steve Lovell** said yes, they would welcome the opportunity to resubmit a different plan, and that they are happy to work with staff, the commissioners, and the residents in the process.

The commissioners felt tabling the item seems appropriate. They hoped that the developer has heard some of the concerns that were brought up, and that they will work to come up with solutions to those concerns in a revised plan. The commissioners again mentioned they are not in favor of a

subcommittee. They would also like to hold another public hearing to allow the public to comment on the changes in the plan.

Steve Lovell asked for clarification on the Planning Commission's concerns regarding the density. He asked if the concern with the density is the number of lots, the lot sizes, or some other concern. **Alex Leeman** said he is not sure they can give a clear answer because he feels it is all of the above. He suggested that they work with staff, as staff typically knows the "temperature" of the Planning Commission and how best to address concerns.

Motion for the Rezone:

Bret Gallacher made a motion that the Planning Commission table both the rezone from AE to R, and the general plan amendment until the developer can come up with some alternative plans, and when the Planning Commission does meet again for this item, a public hearing will be held. **Connie Deianni** seconded the motion, which was unanimously approved.

ZONE TEXT AMENDMENT

Item #5. Farmington City (Public Hearing) – Applicant is requesting a recommendation for text amendment approval to Chapter 28 of the Zoning Ordinance related to bonding requirements as set forth in Section 11-28-230. (ZT-4-17)

David Petersen said most things were discussed on the field trip, but provided a brief update for the record. He said when the City adopted the current demolition ordinance, it was patterned after Salt Lake City's ordinance, which was very strict. The ordinance states that if someone wants to demolish a structure, a building permit must be in hand for the replacement structure. He said that is a very high threshold, and that the City does not have a lot of demolitions requested. He said not long ago, the City Council proposed that in addition to having a building permit in hand, the person requesting the demolition must also have a cash performance bond for the value of the replacement structure to ensure the replacement structure would be built. There were concerns on implementing this requirement. It was discovered that a bank will offer a letter of credit based on a construction loan. This would allow one release to happen at footings and foundation, and a second release at four-way. He said following this releasing process would ensure the applicant would not back out. He said the Ordinance states "cash," but the newly suggested way is a letter of credit, so the Ordinance needs to be amended.

David Petersen said not long ago, Mr. Livingston approached staff regarding this requirement as well. He is his own contractor, and does not get conventional construction loans for his projects. This means he cannot obtain a letter of credit, so it has been proposed to allow for a property bond so the property can be used as collateral. The City Manager was okay with the proposed modification to the Ordinance. Staff feels amending the Ordinance to require a letter of credit tied to the construction loan, as well as the possibility of a property performance bond allows the City Council the security of replacement structures being built, as well as provides an easier hurdle for the common person to meet.

Heather Barnum opened the public hearing at 8:54 p.m.

No comments were received.

Heather Barnum closed the public hearing at 8:54 p.m.

No further discussion took place.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council approve an amendment to Section 11-28-230 D. 1. as follows (changes underlined):

- D. Issuance of Demolition Permit for a Main Building.
 - 1. Except as otherwise provided in subsection D4 of this section, a demolition permit shall be issued only upon compliance with subsections D2 and D3 of this section, if applicable, and if:
 - a. A complete building permit application to replace the building or structure proposed for demolition has been submitted to the Community Development Department; and in the case of a replacement building for a dwelling, the building permit must be issued and the City must receive a cash, letter of credit, escrow, or property performance bond in a form acceptable to the City equal in amount to the valuation, as determined by the Building Official, of the replacement building, except for property bonds which must be at least equal in value to the subject property including any existing on-site accessory buildings (but need not exceed the value of the new building); or
 - b. The Building Official or Fire Marshal orders immediate demolition: Due to an emergency as provided in Uniform Code for the Abatement of Dangerous Buildings; or because the premises have been damaged beyond repair because of a natural disaster, fire, or other similar event; or
 - c. The Building Official or Fire Marshal authorizes immediate demolition because clearing of land is necessary to remove a nuisance as defined in section 76-10-801 et seq., Utah Code Annotated or its successor.

Bret Gallacher seconded the motion, which was unanimously approved.

Findings for Approval:

- 1. The proposed changes allow other options, not just one alternative (cash bond), to ensure performance;
- 2. More options allow property owners to finance projects themselves rather than choose to finance projects via construction loans and more conventional means.

OTHER

Item #6. Miscellaneous: a) Direction regarding the reduction of a front setback for a new home located at 139 N. Main in the OTR zone.

Eric Anderson said this item is in regards to Mr. David Livingston's desire to put his home 18' from the front property line, which was also part of the field trip taken prior to the Study Session. Most of the front of the home will be a porch, which counts towards a setback, but it is not a blank wall. Staff

wanted some direction on how to move forward. All commissioners were comfortable allowing Mr. Livingston a reduction in the front setback of his home. **Bret Gallacher** asked if this would be a one-time variance. **David Petersen** said yes, this would only be for Mr. Livingston.

ADJOURNMENT

Motion:

At 9:00 p.m., **Connie Deianni** made a motion to adjourn the meeting, which was unanimously approved.



Heather Barnum
Chair, Farmington City Planning Commission